

**REMARKS**

**Specification.** The Applicant has amended the specification herein to correct typographical errors in the specification. No new matter was introduced by the amendment of the specification herein.

**Pending Claims 1-8.** In the Non-Final Office Action, Examiner Raleigh objected to and rejected pending claims 1-8 on various grounds. The Applicant responds to each objection and rejection as subsequently recited herein, and respectfully requests reconsideration of the present application:

- A. Examiner Raleigh rejected claims 2 and 7 under 35 U.S.C. §112, ¶2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention

To more particularly point out and distinctly claim the subject matter of dependent claims 2 and 7, the Applicant has amended dependent claim 2 herein to recite “characterized in that said shape of the cap (2) is established by breaking away at least one break away part (8) provided at the cap (2) to create the at least one recess (9) in the cap (2)” and dependent claim 7 herein to recite “characterized in that said shape of the cap (2) is established by breaking away a break away part (8) of the cap (2), whereby that break away part (8) was connected to a reminder of the cap (2)”. No new matter was introduced by the amendment of dependent claims 2 and 7 herein.

Withdrawal of the rejection of dependent claims 2 and 7 herein under 35 U.S.C. §112, ¶2 as being indefinite is therefore respectfully requested.

B. Examiner Raleigh objected to claim 7 due to an informality

The Applicant has amended claim 7 to recite “whereby the break away part (8) was connected to a reminder of the cap (2)”. Withdrawal of the objection to claim 7 is therefore respectfully requested.

C. Examiner Raleigh rejected claims 1 and 3-8 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,628,081 to *Behr* et al., and objected to the allowable subject matter of dependent claim 2 in view of dependent claim 2 being dependent upon a rejected base claim and having an indefiniteness rejection

The Applicant has thoroughly considered Examiner Raleigh’s remarks concerning the patentability of claims 1 and 3-8 over *Behr*. The Applicant has also thoroughly read *Behr*. To warrant this §102(b) rejection of claims 1 and 3-8, each and every element as set forth in the independent claims 1 and 6 must be either expressly or inherently described in *Behr*. See, MPEP §2131. To overcome this §102(b) rejection of independent claims 1 and 6, the Applicant has amended independent claim 1 herein to recite “characterized in that said shape of the cap (2) is established after the burner (1) and the cap (2) of the lamp are assembled by a creation of at least one recess (9) in the cap (2) which permits insertion of at least the burner (1) in the lampholder” and independent claim 6 herein to recite “characterized in that the shape of the cap (2) is established after the burner (1) and the cap (2) are assembled to form the lamp by a creation of at least one recess (9) in the cap (2) which permits insertion of at least the burner (1) in the lampholder”. Specifically, the Applicant respectfully asserts that *Behr* fails to teach or suggest establishing a shape of the cap “by a creation of at least one recess (9) in the cap (2) which permits insertion of at least the burner (1) in the lampholder” as acknowledged by Examiner Raleigh’s objection to dependent claim 2.

No new matter was introduced by the amendment of independent claims 1 and 6 herein.

Withdrawal of the rejection of independent claims 1 and 6 under 35 U.S.C. §102(b) as being anticipated by *Behr* is therefore respectfully requested.

Claims 3-5 depend from independent claim 1. Therefore, dependent claims 3-5 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 3-5 are allowable over *Behr* for at least the same reason as set forth herein with respect to independent claim 1 being allowable over *Behr*. Withdrawal of the rejection of dependent claims 3-5 under 35 U.S.C. §102(b) as being anticipated by *Behr* is therefore respectfully requested.

Claims 7 and 8 depend from independent claim 6. Therefore, dependent claims 7 and 8 include all of the elements and limitations of independent claim 6. It is therefore respectfully submitted by the Applicant that dependent claims 7 and 8 are allowable over *Behr* for at least the same reason as set forth herein with respect to independent claim 6 being allowable over *Behr*. Withdrawal of the rejection of dependent claims 7 and 8 under 35 U.S.C. §102(b) as being anticipated by *Behr* is therefore respectfully requested.

**SUMMARY**

The Applicant respectfully submits that claims 1-8 as listed herein fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Raleigh is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: **August 7, 2008**

Respectfully submitted,  
Van Heeswijk et al.

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